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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,456	01/27/2000	Masaaki Ogura	0557-4892-2	9891
22850	7590	09/08/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, THIERRY L	
		ART UNIT	PAPER NUMBER	
		2624		

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/492,456	OGURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thierry L Pham	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is responsive to the following communication: an RCE filed on 6/24/04.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15, 18-32, 35-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (U.S. 5270775).

Regarding claim 1, Suzuki discloses an image-forming apparatus supervising system (host computer 41, fig. 1) supervising at least one image-forming apparatus (copy machines, fig. 1) which contains usage information and a central control apparatus connected via a communication line, said system configured to supervise said at least one image-forming apparatus via the communication line (public network, fig. 1), said system comprising:

- (1) a usage information transmitting device (modem, fig. 1) configured to receive and transmit said usage information from said at least one image-forming apparatus to the central control apparatus, said usage information being related to usage career information (transmitting usage information from the plurality of copy machines to the host computer 41, col. 3, lines 50-67 to col. 4, lines 1-48) of the image forming apparatus;
- (2) an apparatus list generating device (list of plurality of forming apparatuses, fig. 1, cols. 3-4) configured to generate an apparatus list indicating the at least one image-forming apparatuses from which said usage information is to be obtained;

- (3) a first obtaining operation (operations/polling to obtain usage data of forming apparatuses, figs. 10-11, cols. 10-12) executing device configured to execute a first obtaining operation for obtaining said usage information from said at least one image-forming apparatus;
- (4) a confirming device (host computer 41 of fig. 1 determines which of the plurality of forming apparatuses have been obtained the usage information and which one have not, figs. 10-11, cols. 10-11) configured to confirm which of the at least one image-forming apparatus maintains not-yet-obtained usage information after the first obtaining operation is executed by comparing the resulting of the first obtaining operation with apparatus list;
- (5) a not-yet-obtained list generating device (image forming apparatuses that have not-yet been obtained due to communication errors, figs. 10-11, fig. 21, cols. 10-11 and cols. 15-16) configured to generate a not-yet-obtained list indicating which of the at least one image-forming apparatus maintains said not-yet-obtained usage information based upon the confirmation; and
- (6) a second obtaining operation (continuous loop if the previous obtaining operation is failed, figs. 10-11 and col. 10-11) executing device configure to execute a second obtaining operation for obtaining said usage information from the at least one image-forming apparatus by accessing the at least one image-forming apparatus based on the not-yet-obtained list.

Regarding claim 2, Suzuki further discloses further discloses an image forming apparatus supervising system wherein said usage information transmitting device (modem, fig. 1) is provided in the data communication apparatus.

Regarding claim 3, Suzuki further discloses an image forming apparatus supervising system wherein said apparatus list generating device (host computer 41, fig. 1) is provided in the central control apparatus.

Regarding claim 4, Suzuki further discloses an image forming apparatus supervising system wherein said usage information includes a total number of images formed sheets (number of copies made, col. 4, lines 40-45).

Regarding claim 5, Suzuki further discloses an image forming apparatus supervising system wherein said first obtaining operation executing device (host computer 41, fig. 1) is provided in the central control apparatus.

Regarding claim 6, Suzuki further discloses an image forming apparatus supervising system wherein said confirming device is provided in the central control apparatus (host computer 41, fig. 1).

Regarding claim 7, Suzuki further discloses an image forming apparatus supervising system wherein said not-yet-obtained list generating device is provided in the central control apparatus (host computer 41, fig. 1).

Regarding claim 8, Suzuki further discloses further discloses an image forming apparatus supervising system wherein said second obtaining operation executing device is provided in the central control apparatus (host computer 41, fig. 1).

Regarding claim 9, Suzuki further discloses further discloses an image forming apparatus supervising system wherein said usage information transmitting device transmits said usage information by generating a self-call (automatically collecting, col. 13, lines 23-26) and when a data communication apparatus is accessed by the central control apparatus.

Regarding claim 10, Suzuki further discloses further discloses an image forming apparatus supervising system wherein said usage information transmitting device transmits at a predetermined time (predetermined, cols. 7-8) and information of said predetermined time is stored in central control apparatus.

Regarding claim 11, Suzuki further discloses an image forming apparatus supervising system according to claim 1, wherein said confirming device includes a not-yet-obtained usage information second confirming device configured to compare, after execution of the second obtaining operation, the list of image-forming apparatuses which transmitted with the not-yet-

obtained list and confirm which data communication and image-forming apparatuses have said not-yet-obtained usage information, said not-yet-obtained usage information list generating device including a not-yet-obtained information list regenerating device configured to regenerate the not-yet-obtaining information list (figs. 10-11) indicating which data communication and image-forming apparatuses have said not-yet-obtained usage information, and wherein said second obtaining operation executing device executes another second obtaining operation after a predetermined time has elapsed if, after execution of the second obtaining operation, at least one data communication or image-forming apparatus with said not-yet-obtained usage information is confirmed.

Regarding claim 12, Suzuki further discloses further discloses an image-forming apparatus supervising system wherein said central control apparatus includes a usage information obtaining-impossible-list generating device (i.e. when a forming apparatus is offline, col. 1, lines 35-50) configured to generate a usage information obtaining-impossible-list indicating that at least one data communication or image-forming apparatus has said not-yet-obtained usage information even though a predetermined number times (col. 6, lines 21-26, figs. 10-11) of the second obtaining operations have been executed by the second obtaining operation executing device.

Regarding claim 13, Suzuki further discloses an image-forming apparatus supervising system wherein a display (display unit 44, fig. 1) of the central control apparatus displays information of said obtaining-impossible-list.

Regarding claim 14, Suzuki further discloses supervising system according to claim 12, wherein the central control apparatus transmits (transmits and to display the lists on a display device, fig. 1) obtaining-impossible-list to at least one of a sales person and a service person in charge of the image-forming apparatus having said not-yet-obtained usage information.

Regarding claim 15, Suzuki further discloses an image-forming apparatus supervising system according to claim 1, further comprising: a bill-submitting device configured to submit a

bill based (fig. 6 and figs. 22-25, col. 5, lines 10-25 and col. 8, lines 32-50) on a difference in usage information obtained between a preceding and current number of image formed sheets.

Regarding claims 18-32 recite limitations that are similar and in the same scope of invention as to those in claims 1-15 above; therefore, claims 18-32 are rejected for the same rejection rationale/basis as described in claims 1-15.

Regarding claims 35-49: Claims 35-49 are the method claims corresponding to the apparatus claims 1-15 (respectively). The method claims are inherent and included by the operation of the apparatus claims. Please see claims rejection basis/rationale as described in claims 1-15 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-17, 33-34, and 50-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as described in claims 1, 18, and/or 35 above, and in view of Aikens et al (U.S. 6216113).

Regarding claims 16-17, Suzuki does not expressly disclose wherein a bill submitting device does not submit the bill if the difference is abnormal, and said abnormal difference represents that the current number is prescribed times as much as an average value calculated by averaging total usage information of users.

Aikens, in the same field of endeavor for printings, teaches a bill submitting device does not submit the bill if the difference is abnormal, and said abnormal difference represents that the

current number is prescribed times as much as an average value calculated by averaging total usage information of users (cols. 4-5). In addition, it would not be necessary to submit a bill to a customer when a difference is abnormal (i.e., the difference is below zero and/or an enormous difference occurs due to printer's malfunction).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Suzuki as per teachings of Aikens because of a following reason: (1) to reduce costs of creating and sending bills that are having an abnormal difference in printer's usage.

Therefore, it would have been obvious to combine Suzuki with Aikens to obtain the invention as specified in claims 16-17.

Regarding claims 33-34 recite limitations that are similar and in the same scope of invention as to those in claims 16-17 above; therefore, claims 33-34 are rejected for the same rejection rationale/basis as described in claims 16-17.

Regarding claims 50-51: Claims 50-51 are the method claims corresponding to the apparatus claims 16-17 (respectively). The method claims included by the operation of the apparatus claims. Please see claims rejection basis/rationale as described in claims 16-17 above.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

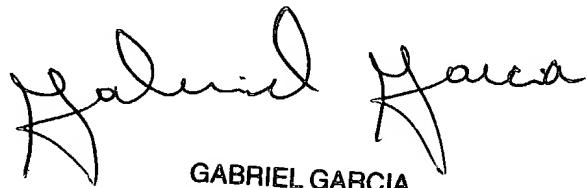
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP



GABRIEL GARCIA  
PRIMARY EXAMINER